

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

TIMOTHY TOWNSEND,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.
)	2:17cv218-MHT
)	(WO)
WIN-HOLT EQUIPMENT)	
CORPORATION,)	
)	
Defendant.)	

WAL-MART ASSOCIATES, INC.,)	
)	
Intervenor Plaintiff,)	
)	
v.)	CIVIL ACTION NO.
)	2:17cv218-MHT
)	(WO)
WIN-HOLT EQUIPMENT)	
CORPORATION,)	
)	
Intervenor Defendant.)	

ORDER

This case is before the court on the joint stipulation of dismissal with prejudice (doc. no. 59) signed by plaintiff Timothy Townsend and defendant Win-Holt Equipment Corporation. Federal Rule of Civil Procedure 41(a)(1)(A)(ii) allows for voluntary

dismissal of a case upon the filing of "a stipulation of dismissal signed by *all parties who have appeared*." (Emphasis added.) The court's docket shows a pending complaint in intervention (doc. no. 37) by intervenor plaintiff Wal-Mart Associates, Inc. However, Wal-Mart Associates has not signed the stipulation of dismissal. The bottom-line question is whether this case should be closed in its entirety and all parties' claims dismissed with prejudice.

Accordingly, it is ORDERED that:

(1) By October 18, 2018, the plaintiff shall file either a stipulation of dismissal that complies with Rule 41(a)(1)(A)(ii), or other appropriate motion for voluntary dismissal under Rule 41.

(2) By October 18, 2018, Wal-Mart Associates, Inc., shall notify the court in writing as to whether it seeks to proceed with its intervenor complaint, and if it does not seek to proceed, file an appropriate motion

or stipulation to dismiss its complaint in compliance with Rule 41. (The parties may, if they wish, dismiss both the plaintiff's and the intervenor plaintiff's claims in the same document, so long as the joint filing is clear and complies with Rule 41.)

DONE, this the 11th day of October, 2018.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE